

REMARKS

Claims 1, 5-14, 18-25, and 29-38 are currently pending in the subject application and are presently under consideration. Claims 1, 5-14, 18-25 and 29-36 are allowed. Claims 37 and 38 are amended, solely to change their statutory class. Support for the amendments to claims 37 and 38 may be found, for example, in the specification as set forth in U.S. Pub. No. 2004/0147275 at par. [0087]. Entry of the amendments is respectfully requested, notwithstanding the finality of the rejection, as the amendments clearly place the application in allowable condition. See 37 CFR §1.116.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 37 and 38 Under 35 U.S.C. §112, 1st Paragraph

Claims 37 and 38 stand rejected under 35 U.S.C. §112, 1st par. as allegedly failing to comply with the enablement requirement.

Applicant's representative thanks the Examiner for the suggested language for overcoming the rejection, as indicated in the Office Action, p. 3, item 9, and in the telephone conversation with Applicant's representative on January 7, 2010. Claims 37 and 38 are amended in accordance with the Examiner's suggestion, to recite "[a] storage device storing ...," clearly placing the claimed subject matter within statutory bounds in accordance with 35 U.S.C. §101. Withdrawal of the rejection is therefore respectfully requested.

II. Rejection of Claims 37 and 38 Under 35 U.S.C. §112, 2nd Paragraph

Claims 37 and 38 stand rejected under 35 U.S.C. §112, 1st par. as allegedly being indefinite. Withdrawal of the rejection is respectfully requested in view of the amendments to claims 37 and 38 set forth above.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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